UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/948
7 September 1999

ORIGINAL: ENGLISH

LETTER DATED 6 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the attached press release issued by the Ministry of Foreign Affairs on 6 September 1999 on Ethiopia's official rejection of the Organization of African Unity (OAU) package of proposals to resolve the Eritrea-Ethiopia conflict peacefully (see annex).

Clear as it is that the Ethiopian regime has in its Foreign Ministry's statement rejected the OAU package of proposals, it is now incumbent on the Security Council to take action to enforce the implementation of the peace package which it has fully supported and endorsed. The Ethiopian regime must not be allowed to hold the peace process hostage, incessantly forwarding new conditions every time a proposal is accepted by Eritrea. It is now apparent that Eritrea accepts and Ethiopia rejects the OAU peace package. This consistent Ethiopian character only proves that Ethiopia is and has always been intent on dictating its will to usurp Eritrean sovereign territory by the use of force. Now that Eritrea's total acceptance and Ethiopia's rejection of the OAU peace package is clear, the Security Council must take a clear position and firm measures directed at the obstacle to peace - Ethiopia. To repeat calls and take measures on "both sides" when the positions of the two sides are clear and diametrically opposed would be irresponsible, and would only encourage the continuation of war, destruction and death that only one side - Ethiopia - is responsible for. In the enclosed statement, Eritrea is calling on the Security Council to take quick action against Ethiopia, to stop Ethiopia's war of aggression against Eritrea, which has become a menace to peace and stability in the whole region as well.

I should be grateful if you would circulate this present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

Annex

Press release issued by the Ministry of Foreign Affairs of Eritrea on 6 September 1999

TPLF regime rejects OAU peace package

The Tigre People's Liberation Front (TPLF) regime has formally rejected, in a statement issued by its Foreign Ministry on Saturday, 4 September 1999, the Technical Arrangements worked out by the Organization of African Unity (OAU), the United Nations, Algeria and the United States of America for the scrupulous implementation of the OAU peace package.

Ethiopia's statement is tantamount to a declaration of war. It does not, indeed, constitute a rejection of the Technical Arrangements alone but of the entire OAU peace package.

The present development - grave as it is - is not surprising to Eritrea. The truth is that the TPLF regime never accepted the Framework Agreement although it had professed to do so at the time for obvious, public relations reasons. It was evident from the outset that the TPLF regime could not possibly accept the peaceful resolution of the conflict through the demarcation of the boundary as it knows full well that it has no legal basis for its territorial "claims".

This was previously why TPLF balked away from the implementation of the Framework Agreement, raising issues of "interpretation", when Eritrea announced its unequivocal acceptance of the Agreement. As Eritrea underlined repeatedly then, Ethiopia's pretexts were not genuine but a rather transparent ruse aimed at torpedoing the peace process. The Framework Agreement is otherwise unambiguous in its basic contents, which call for: (1) cessation of hostilities; (2) Eritrean withdrawal from Badme and environs as a sign of good will; (3) mutual withdrawal of both sides from the rest of the boundary; and (4) demarcation of the borders.

The apparent impasse led to the formulation of a supplementary document - the Modalities of Implementation - which was endorsed by the OAU Summit at Algiers last July.

The Modalities of Implementation extracted, in essence, more concessions from Eritrea. Indeed, although redeployment by either side is provisional without prejudice to the final status of the territories concerned, which will be determined only after demarcation, Eritrea was nonetheless expected to redeploy first from a number of areas not envisaged in the Framework Agreement. The sequencing of withdrawals was also worked out in a manner to satisfy the Ethiopian regime.

In spite of these reservations, Eritrea accepted the Modalities of Implementation, announcing its agreement at the Summit. President Isaias's words of acceptance to the Summit included: "... in the interests of peace, which we owe not only to the people of Eritrea, but, may I add, also to the

people of Ethiopia, and our continent as a whole, and as a mark of goodwill to OAU, Eritrea has decided to accept the Modalities of Implementation of the Framework Agreement. In accepting the Framework and Modalities, Eritrea hopes to make its small contribution to the realization of the lofty objective proposed by the newly elected President of Africa's giant, Nigeria, General Obasanjo - and I believe endorsed by this Summit - to make the year 2000 the Year of Peace and Security in Africa".

The TPLF regime did not accept the Modalities of Implementation at the time although it promised that it would "make its position known soon" without any qualifications; without, in the Prime Minister's words, "ifs and buts". But rather than accepting the Modalities and making its own contributions to peace, it began to conduct a campaign of disinformation to "discredit" Eritrea's acceptance. When this manoeuvring did not work and TPLF was pressed to clarify its position, it nominally accepted the Modalities of Implementation.

OAU special envoy Ahmed Ouyahia, as well as the envoy of President Clinton, Anthony Lake, subsequently visited both capitals from 21 to 24 July. The purpose of the visits was to secure formal signature of the two documents by both sides so as to embark on the implementation of the peace formula. Eritrea notified both envoys that it was ready to sign the documents and to fully cooperate in their implementation with the requisite sincerity and seriousness. The TPLF regime, however, brought up another excuse, arguing that it was not yet ready to sign the documents that it has formally accepted without first seeing the detailed implementation blueprint.

This was an obvious setback to OAU and its partners in peace. But again, the path chosen was one of patience and perseverance. As a result, technical experts from OAU, the United Nations, Algeria and the United States were assembled at Algiers, and on the basis of inputs provided by both sides, worked out the Technical Arrangements, which set out in extensive detail the procedures and time-frames for redeployment, reinstitution of temporary administrations and demarcation, as well as issues of compensation for deportees and other victims of war.

The Technical Arrangements were provided to both sides in the first week of August. Again, Eritrea accepted the Technical Arrangements promptly, also realizing that these were essentially implementation details worked out by international experts on the field.

But the TPLF regime continued to keep the peace process hostage through various subterfuges. First it asked for "clarifications". OAU subsequently provided the TPLF regime with an exhaustive response to its lengthy queries. Then it declined from making its position clear through various pretexts. It is against this backdrop of excessive tolerance and pampering by the international community that the Ethiopian regime has today rejected the three OAU peace formulas which must be taken as a package. The laxity with which the international community has dealt with TPLF acts of aggression and excesses of war, especially the massive deportation and detention of ethnic Eritreans, has no doubt encouraged the regime to believe that it can defy fundamental principles of international law with impunity.

The timing of Ethiopia's explicit rejection of the OAU peace package further exposes its underlying motive. The regime has been resorting to dilatory tactics in order to gain time as it prepares to launch another round of offensives. Indeed, Ethiopia's Prime Minister had publicly stated last June that "the offensive will be launched at the right time when our preparations are completed. It will not be brought forward by one day or delayed by another day". Ethiopia's current statement indicates, without any shred of doubt, that it is about to unleash its war of aggression.

Eritrea remains convinced that another round of military confrontations will only entail more destruction and unnecessary human loss. The ultimate solution of the conflict will otherwise be through demarcation and on the negotiating table. TPLF military adventures will thus serve no purpose other than to destabilize the region and entail unnecessary human suffering.

In the circumstances, Eritrea urges all those interested in the maintenance of peace and security in the region to:

(1) Strongly condemn the TPLF's declaration of war against Eritrea;

(2) Demand that the TPLF regime accept and implement in good faith the OAU peace package that has been endorsed by the international community;

(3) Impose punitive measures against the TPLF regime for its acts of aggression against a sovereign State in violation of fundamental principles of international law.

Evidently, Eritrea will have no choice but to resort to legitimate acts of self-defence. The TPLF regime shall bear all responsibilities for the consequences that may ensue.